

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KEITH TAYLOR,

Petitioner,

-against-

THOMAS POOLE, Superintendent, Five Points
Correctional Facility,

Respondent.

07 Civ. 6318 (RJH) (GWG)

ORDER

Richard J. Holwell, District Judge:

On August 29, 2009, Magistrate Judge Gabriel W. Gorenstein issued a Report and Recommendation (“Report”) recommending that the Court dismiss with prejudice petitioner Keith Taylor’s petition for a writ of habeas corpus. The Court received Taylor’s objections to the Report on December 7, 2009. The Court finds the Report to be a well-reasoned and correct application of the relevant law, and hereby adopts it in full. Taylor’s petition is DENIED with prejudice.

A district court judge may designate a magistrate to hear and determine certain motions and to submit to the court proposed findings of fact and a recommendation as to the disposition of the motion. *See* 28 U.S.C. § 636(b)(1). Within ten days of service of the recommendation, any party may file written objections to the magistrate’s report. *Id.* Upon review of those portions of the record to which objections were made, the district court judge may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C).

Where timely objections are made, the court is required to “make a *de novo* determination of those portions of a report . . . to which objection is made.” *Id.*; *see also United States v. Male Juvenile*, 121 F.3d 34, 38 (2d Cir. 1997). But “when a party makes only conclusory or general objections, or simply reiterates his original arguments, the Court reviews the Report and Recommendation only for clear error.” *Walker v. Vaughan*, 216 F. Supp. 2d 290, 292 (S.D.N.Y. 2002); *see also Davila v. Bradt*, No. 08 Civ. 3227, 2011 WL 611881 at *1 (S.D.N.Y. Feb. 17, 2011) (“[N]o party [will] be allowed a second bite at the apple by simply relitigating a prior argument.”).

Taylor objects to the Report’s conclusions as to each and every one of his nearly two dozen grounds for relief. However, Taylor’s objections either expressly incorporate by reference or essentially reiterate arguments that Taylor made in his Traverse and which Judge Gorenstein addressed in the Report. Thus the Court reviews the Report only for clear error. *Lucas v. Conway*, No. 08 Civ. 8405, 2011 WL 710609, at *1 (S.D.N.Y. Feb. 25, 2011); *Davila*, 2011 WL 611881, at *1. The Court has carefully considered Judge Gorenstein’s comprehensive Report and finds no error in it. Accordingly, petitioner’s specific objections are DENIED.


The Court hereby adopts the Report in its entirety. Taylor’s petition is DENIED. The Clerk of the Court is directed to close this case.

SO ORDERED

Dated: New York, New York

September 24, 2011

August



Richard J. Holwell
United States District Judge